

The following comments are filed by Radio Kings Bay, Incorporated ("RKBI") in response to the Commission's Notice of Proposed Rulemaking MB Docket No. 04-232 ("NPRM"). RKBI is the licensee of Radio Station WKBX-FM, Kingsland, Georgia, a locally owned and operated Class A FM radio station serving a non-metro county population of approximately 45,000.

In the subject NPRM, the Commission seeks comments on its overture to require all broadcast stations to record and archive for a yet specified length of time all broadcast programming from 6 a.m. to 10 p.m. local time. For the reasons marshaled below, RBKI opposes this knee-jerk, ill-conceived proposal as means to improve the Commission's indecency complaint process.

At the outset, it is safe to say that the vast majority of broadcast stations have a spotless record of serving their local audiences with responsible programming content. Those broadcast operators and program personalities that pander to audience prurient interests not only are well known to the Commission, but they can be easily located among major markets across the country where the battle for gross rating points supercedes the credo of serving the public interest, convenience, and necessity. If the Commission wants to get serious about obscene, indecent, or profane broadcast programming it should set aside such make-work folly for recording and retention programming and put in place a clearly defined criteria for license revocation, i.e., three strikes and your license is history. It seems clear that standing alone, assessing fines for indecent programming by a licensee may not be tough enough. This is especially legitimate when one considers such fines pale in compar!

ison to the annual net revenues of the major market broadcasters who may well consider the risk of fines as part of doing business. Forfeiture, on the other hand, is a whole different animal.

As it specifically would impact upon RKBI, the recording/archive proposal addressed in the NPRM will present certain hardships for this small market broadcaster. In particular, RKBI would be forced to bear the financial burden of purchasing and installing audio logging equipment, the cost of archive media and its preservation, and the make-work diversion of our already over-extended staff of four full time employees. Collectively, that is an unreasonable and heavy price that small market radio broadcasters would have to endure because of a few major market rotten apples.

Accordingly and for the rationale proffered above, RBKI implores the Commission to abandon its consideration of a requirement that all broadcasters must record and archive programming content and focus its regulatory energies on swift and punitive action for those few licensees who have a record of indecent programming practices.

Respectfully submitted,

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